

DAVID L. ANDERSON (CABN 149604)
United States Attorney

HALLIE HOFFMAN (CABN 210020)
Chief, Criminal Division

JEFFREY A. BACKHUS (CABN 200177)
Assistant United States Attorney

150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5080
FAX: (408) 535-5066
Jeffrey.backhus@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 20-0283 EJD
)	
Plaintiff,)	STIPULATION AND PROPOSED ORDER AS TO
)	WAIVER OF TIME AND TO CONTINUE
v.)	ARRAIGNMENT
)	
ARTEMIO GONZALEZ,)	
)	
Defendant.)	
)	

The United States, by and through its counsel of record, and defendant, Artemio Gonzalez, by and through his counsel of record (collectively, the “Parties”), agree and stipulate:

Whereas, the defendant was picked up from Santa Clara County Jail and made his initial appearance on a Complaint on June 26, 2020.

Whereas, the Court scheduled a detention hearing for June 30, 2020 at 10:30 a.m. However, the defendant was not present due to COVID-19 quarantine. Counsel for defendant waived a detention hearing at that time,

Whereas, a felony Information was filed on July 7, 2020.

Whereas, the Court scheduled an arraignment on an anticipated Information for July 23, 2020 at 10:30 a.m. However, the defendant was not present due to COVID-19 quarantine.

Whereas, the Court scheduled an arraignment on an anticipated Information for August 20, 2020 at 10:30 a.m. However, the defendant was not present due to COVID-19 quarantine.

Whereas, the Court scheduled an arraignment on an anticipated Information for August 26, 2020 at 10:30 a.m. However, the defendant was not present due to COVID-19 quarantine.

Whereas, the Parties agree and stipulate herein that time shall be waived under Rule 5.1(c) (time for a preliminary hearing) and 18 U.S.C. § 3161(b) (requiring any information or indictment be filed within 30 days of arrest). The Parties further agree that this waiver of time is necessary for review of discovery by the defense and to discuss possible pre-indictment resolution of the case, but the Parties also agree and acknowledge that an agreement may not be reached.

Whereas, the Parties agree that the defendant has waived time for purposes of 18 U.S.C. § 3161(b) and Rule 5.1(c), specifically, that time be waived from August 20, 2020 to September 17, 2020, for purposes of 18 U.S.C. § 3161(b) and Rule 5.1(c), that the preliminary hearing/arraignment on the Information need not occur until September 17, 2020.

Whereas, the Parties agree that defendant's preliminary hearing/arraignment on the Information should be set for September 17, 2020, at 10:30 a.m.

Respectfully submitted,

DATED: September 2, 2020

DAVID L. ANDERSON
United States Attorney

/s/ Jeffrey A. Backhus
JEFFREY A. BACKHUS
Assistant United States Attorney

DATED: September 2, 2020

/s/ Ruben T. Muñoz, Esq.
RUBEN T. MUÑOZ, ESQ.
Attorney for Artemio Gonzalez

~~PROPOSED~~ ORDER

Upon agreement and stipulation of the United States, the defendant Artemio Gonzalez, and their respective counsel of record, and good cause appearing, IT IS HEREBY ORDERED that time be waived from August 20, 2020 to September 17, 2020, for purposes of 18 U.S.C. § 3161(b) and Rule 5.1(c). Additionally, the preliminary hearing/arraignment on the Information be set for September 17, 2020, at 10:30 a.m.

IT IS SO ORDERED.

DATED: September 3, 2020


HON. VIRGINIA K. DEMARCHI
United States Magistrate Judge